

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

Civil Rights Division

Case No. 1:17-cv-63-SA-DAS

(to be filled in by the Clerk's Office)

Eric Dilworth

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Tishomingo County of Mississippi

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Eric Dilworth		
Address	109 South Adams Street Apartment B		
	Iuka	MS	38852
	City	State	Zip Code
County	Tishomingo		
Telephone Number	662-424-2037		
E-Mail Address	ericdilworth1212@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Tishomingo County Mississippi		
Job or Title (if known)			
Address	1008 Battleground Drive		
	Iuka	MS	38852
	City	State	Zip Code
County	Tishomingo		
Telephone Number	662-423-6185		
E-Mail Address (if known)	tishomingocountysheriff.com		
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name			
Job or Title (if known)			
Address			
	City	State	Zip Code
County			
Telephone Number			
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name _____

Job or Title *(if known)* _____

Address _____

City

State

Zip Code

County _____

Telephone Number _____

E-Mail Address *(if known)* _____☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Address _____

City

State

Zip Code

County _____

Telephone Number _____

E-Mail Address *(if known)* _____☐ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?
M.C. § 43-21-265 and § 41-29-139

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Tishomingo County Sheriff's Department post to Scribd.com my arrest and indictment publication two days after Tishomingo County Clerk's office notified them about my expungment order being effect.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Tishomingo County Sheriff's Department; 1208 Bettydale Drive Iuka, MS 38852

- B. What date and approximate time did the events giving rise to your claim(s) occur?

06-18-2016 between the hours of 7:00a.m and 5:00p.m.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On June 18, 2016 the sheriff's department for Tishomingo County of Mississippi posted to Scribd.com a newspaper publication of my arrest and indictment, after the Tishomingo County Circuit Clerk's office had notified them that my record for the the arrest and indictment had been expunged; this violated the spirit of the M.C. §99-19-71 which is the expungment law that directs that the records of an arrest shall be expunged, on request, if "the person arrested was released and the case dismissed or the charges were dropped or there was no disposition of the case. I would also like to invoke an abuse of process claim; which is established by showing (1) that the defendant made an illegal and improper perverted use of the process, a use neither warranted nor authorized by the process; (2) that the defendant had an ulterior motive or purpose in exercising such illegal, perverted or improper use of process; and (3) that damage resulted to the plaintiff from the irregularity. This rule is found in State ex rel. Foster v. Turner. 319 So. 2d 233, 236 (Miss. 1975). Indeed Tishomingo County violated this rule by submitting my indictment unto Scribd.com after my record had been expunged of my charge.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

This has caused me emotional stress which has lead to or contributed to me having pre-hypertention and me having to take blood pressure medication.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like for the court to order that the post posted to scribd.com be removed and for the courts to order any amount of monetary remedies that the court may issue.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

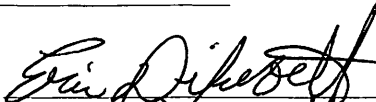
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06-15-2018

Signature of Plaintiff

Printed Name of Plaintiff


Eric Dikebeth

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address